

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GEORGE M. CHAVIS,

Plaintiff,

-v.-

9:06-CV-0049
(LEK/GHL)

K. CURLEE, Prison Counselor; *et al.*,

Defendants.

APPEARANCES:

GEORGE M. CHAVIS
Plaintiff, *pro se*

LAWRENCE E. KAHN, U.S. DISTRICT JUDGE

DECISION and ORDER

Presently before the Court for review is an amended complaint filed by plaintiff George M. Chavis. Dkt. No. 6. This amended complaint was submitted by plaintiff in compliance with the Report-Recommendation and Order of Magistrate Judge George H. Lowe dated July 5, 2006. Dkt. No. 5.

The Report-Recommendation advised plaintiff that venue over claims arising at Southport Correctional Facility was not proper in the Northern District of New York and recommended that the Southport claims be dismissed. Dkt. No. 5 at 4. Plaintiff's amended complaint does not include the Southport claims. The amended complaint does, however, include additional defendants and additional claims relating to plaintiff's incarceration at Auburn Correctional Facility. Dkt. No. 6 at 9-15. The Court notes that venue over these newly asserted claims is proper in this District.

Since the amended complaint substantially cures the defects that existed in the prior complaint, it may properly be filed with the Court.

WHEREFORE, it is hereby

ORDERED, that the Report-Recommendation and Order of July 5, 2006 is adopted, and it is further

ORDERED, that the amended complaint submitted by plaintiff is accepted for filing by this Court, and it is further

ORDERED, that the Clerk revise the docket to reflect that the only defendants are those named in the amended complaint and dismiss all other defendants, and it is further

ORDERED, that the Clerk issue summonses and forward them, along with copies of the amended complaint, to the United States Marshal for service upon the defendants, together with a copy of this Order.¹ The Clerk shall also forward a copy of the summons and amended complaint by mail to the Office of the Attorney General for the State of New York, together with a copy of this Order, and it is further

ORDERED, that a formal response to plaintiff's complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

Any paper sent by a party to the Court or the Clerk shall be accompanied by a

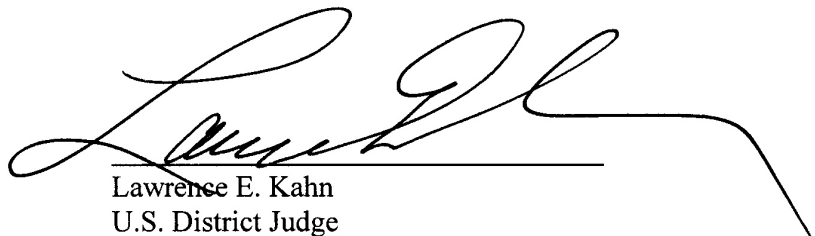
¹ Plaintiff was granted leave to proceed with this action *in forma pauperis*. Dkt. No. 5.

certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy was served upon all opposing parties or their attorneys is to be returned without processing. Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. Plaintiff is also required to promptly notify the Clerk's Office of any change in his address; his failure to do this will result in the dismissal of the instant action. All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on the plaintiff by regular mail.

IT IS SO ORDERED.

DATED: November 13, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge